

REMARKS

Applicant has carefully studied the outstanding Official Action mailed on October 18, 2007. This response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Claims 20-25 and 28 stand rejected under 35 USC §103(a) as being unpatentable over Hassler et al in view of Grunewald et al.

Claim 26 stands rejected under 35 USC §103(a) as being unpatentable over Hassler et al in view of Grunewald et al and Reichenberger.

Claim 27 stands rejected under 35 USC §103(a) as being unpatentable over Hassler et al in view of Grunewald et al and Ein-Gal.

In "Response to Arguments", the Examiner states "there is no cited criticality in providing the second membrane" because of the language "may be covered with another membrane". It is respectfully pointed out that nowhere does it say in the MPEP that lack of cited criticality is essential to patentability. The burden is on the Examiner to show where there is similar structure in the prior art and then state that the difference is not critical. This has nothing to do with optional embodiments. Optional embodiments may certainly be claimed. It is also insufficient to state that "it is well known in the art to include a membrane to shield source devices and their associated reflectors from the propagation medium". That is not the claimed structure. The Examiner has failed to show prior art that teaches the claimed structure of claim 20, particularly, "a first membrane that covers an open end of said first shockwave source device in order to seal said first shockwave source device from ingress therein of the propagation medium; [and] a second membrane that covers an end face of said reflector". Where does the prior art show this combination of membranes and reflector? All Examiner has done is cite prior art with ONE membrane. The claimed structure is not known in the art and is deemed patentable.

Examiner cites a "first" external membrane in Hassler and cites col. 5, lines 19-22 and col. 6, lines 55-57. These passages refer to membrane 1. As explained in detail in the previous responses, Claim 20 recites "a second membrane that covers an end face of said reflector" (emphasis added). The membrane [1] of Hassler does not cover an end face of reflector 33. It is respectfully noted that the Examiner's statement that membrane [1] disclosed at col. 5, lines 19-22 and col. 6, lines 55-57 "covers an open end of the device" is an error. Membrane 1 has nothing to do with covering an end face of the reflector.

Further in the remarks, Examiner maintains that in Grunewald, "Fig. 3 clearly shows spatial adjacency of sources P and E and suggests that one device sealingly passes through the membrane of the second." Examiner says the "sealing rings" are regarded as the membranes and that "the sealing ring of the first device is a membrane through which the second device passes – especially since source(s) labeled P are regarded as one in (sic) the same, since they are each represented by the same designation. In this case, source P "sealingly passes" through the sealing ring(s) of E."

The above statement is respectfully traversed. Quoting from Grunewald, "FIG. 3 shows a further embodiment of a shock wave source according to the invention, where again a piezoelectric shock wave source P and an electromagnetic shock wave source E are coaxially arranged on the carrier T in such a manner that they radiate onto a common focal point F. In this embodiment, the focussing, in the case of both shock wave sources E and P, takes place by means of the curvature of the carrier T."

Examiner, with all due respect, has not understood Fig. 3 of Grunewald. Examiner's statement "since source(s) labeled P are regarded as one..." indicates the Examiner thinks there is more than one source P because the letter P appears twice on the figure. This is an error. There is only one source P, and it simply lies over source E. The only membrane covers the opening of P. P does not pass through this membrane. E does not pass through this membrane. P does not pierce E. It is respectfully incorrect to say source P "sealingly passes" through the sealing ring(s) of E.

Accordingly, claims 20-29 are accordingly respectfully deemed patentable. Claims 30-31 have also been added to recite further patentable structure and are also deemed patentable. No new matter has been introduced.

Applicant respectfully requests reconsideration and withdrawal of the final rejection and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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